

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AFSCME LOCAL 2186, By Is	:	CIVIL ACTION
Guardian Ad Litem, Pamela Robinson,	:	
President, AFSCME LOCAL 2187, By	:	
Its Guardian Ad item, Robert Coyle,	:	
President and AFSCME LOCAL 159,	:	
By Its Guardian Ad litem,	:	
Gregory Trueheart, President	:	
	:	
v.	:	
	:	
THE CITY OF PHILADELPHIA, Its	:	
Officials, Agents, Employees and	:	
Assigns, JIM KENNEY, In His Official	:	
Capacity as Mayor of the City of	:	
Philadelphia, ROB DUBOW, In His	:	
Official Capacity as Finance Director of	:	
the City of Philadelphia and CHRISTIAN	:	
DUNBAR, In His Official Capacity as	:	
Treasurer of the City of Philadelphia	:	NO. 19-5287

MEMORANDUM

Savage, J.

November 13, 2019

Plaintiffs brought this action in the Pennsylvania Court of Common Pleas for Philadelphia County. They claim that the City underpaid certain employees as a result of widespread payroll errors for several months after a new payroll system was implemented. They seek wages, union dues and negotiated contributions. They also request the appointment of a Master or Receiver to oversee the payroll operations until the payroll errors are cured.

The defendants removed the action, asserting that the federal district court has federal question jurisdiction under 28 U.S.C. § 1331. In the Designation Form, the defendants checked the “federal question” box and noted “FLSA”. On the Civil Cover

Sheet, it listed the action as one under the Fair Labor Standards Act.

Consistent with our “independent obligation to determine whether subject-matter jurisdiction exists, even when no party challenges it,” *Hertz Corp. v. Friend*, 559 U.S. 77, 94 (2010), we may remand a case *sua sponte* for lack of subject matter jurisdiction. 28 U.S.C. § 1447(c) (“If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.”).

The plaintiffs filed a single-count complaint. The only cause of action is for breach of duty under the Philadelphia Home Rule Charter. There is no claim under the Fair Labor Standards Act. There are no allegations or claims under any federal statute. Therefore, there is no basis for federal question jurisdiction.

/s/ TIMOTHY J. SAVAGE J.